

The 31st July, 1979

No. 11(112)-3Lab-79/8202.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management M/s. Micro Precision Products 4, Link Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 70 of 1977

between

SHRI DHANI RAM, WORKMAN AND THE MANAGEMENT OF M/S MICRO PRECISION PRODUCTS 4, LINK ROAD, FARIDABAD

Present.—

Shri R. L. Sharma, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/194-77/22412, dated 8th June, 1977, the Governor of Haryana referred the following dispute between the management M/s Micro Precision Products 4, Link Road, Faridabad and its workman Shri Dhani Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Dhani Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 4th October, 1977 :—

1. Whether the demand was directly not raised by the workmen on the management? If not, to what effect?
2. Whether the workman concerned abandoned the job of his own?
3. Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

The representative for the management gave a statement on 5th January, 1978 that he did not press issue No. 1, hence the case was fixed for the evidence of the management on other issues. The management examined one Shri K. Thomas their typist-cum-clerk as M.W-1 and closed his case. The workman examined himself as W.W-1 and closed their case. Arguments were heard. I now give my findings issue-wise :—

Issue No. 2.—MW-1 stated that the workman had gone on leave for one month from 20th January, 1977. His leave expired on 23rd February, 1977 but he did not turn up on his duty upto 31st March, 1977. Then his name was struck off. The management sent him a letter Ex. M-3 and M-4 by registered post. The copy of the letter is Ex. M-5. Comments of the management are Ex. M-6. The conciliation proceedings and the letter of the Conciliation Officer, are Ex. M-7 to M-10. Extract of Certified Standing Orders is Ex. M-11. The workman stated that he had reported for duty on 24th February, 1978 and the management had terminated his services in February, 1977. This statement of his is contradictory to his demand notice in which he has stated that his services were terminated in March, 1977. He then stated that he waited in the hope that the management shall take him back on duty and, therefore, did not report the matter to any authority or officer and did not raise demand. He raised his demand in the month of March. His demand notice is dated 25th March, 1977. He admitted his address as correct on the letter sent to him by the management which is Ex. M-3. He admitted his letter Ex. M-1. I have considered all the evidence oral, as well as documentary. Ex. M-2 is one month's leave application of the workman which was allowed. Ex. M-5 is a letter from the management to the workman, dated 4th March, 1977 informing him that he had not reported for duty till that day and absented himself without permission. This letter further required the workman to join his duty within 48 hours. But even that the workman did not join his duty within 48 hours of Ex. M-5, dated 4th March, 1977. Ex. M-1 is the appointment letter of the workman by the management giving terms of service. Ex. M-11 is extract of section 12 (vii) of the Certified Standing Orders which require that if workman shall over stay his sanctioned leave for more than 8 days he shall loose his lien but

if he joins his duty within 8 days of his absence and explain to the satisfaction of the authority granting leave his inability to resume his duty giving reasons why he could not inform the management he may not loose lien. In the instant case the workman did not report for duty within 8 days of the expiry of the sanctioned leave nor explained within said period of 8 days his inability to resume his duty, to the management. He lost lien on his appointment. This is a clear case wherein the workman has abandoned his job of his own conduct. I, decide issue number 2 in favour of the management.

As per my decision on issue number 2, issue number 3 does not arise. It is not the management who have terminated the services of the workman, rather it is the workman who abandoned his job by his own conduct for over staying in an unauthorised manner after the expiry of his sanctioned leave or more than the period prescribed in the Certified Standing Orders. The management waited even upto 31st March, 1977 as he was marked absent upto 31st March, 1977. The management in this case is not at fault.

In view of my findings on the issues, I answer the reference and give my award that it was not the management who terminated the services of the workman. It is not a question of termination of services by the management. It is a case wherein the workman abandoned his job of his own by his own conduct by remaining absent after the expiry of the sanctioned leave as per rules of the management. The workman himself abandoned his job. He is not entitled to any relief.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 4th July, 1979.

No. 690, dated 23rd July, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

H. L. GUGNANI, Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 3 अगस्त, 1979

क्रमांक 1157-ज(II)-79/32394.—हरियाणा सरकार, राजस्व विभाग, युद्ध जागीर अधिसूचना क्रमांक 447-ज(II)-79/17474, दिनांक 16 अप्रैल, 1979 जो हरियाणा राजपत्र दिनांक 16 अप्रैल, 1979 में मुद्रित हुई है, की लाईन संख्या सं० 4 में खरीफ, 1973 की बजाये खरीफ, 1975 पढ़ा जाये।

क्रमांक 1142-ज(II)-79/32398.—हरियाणा सरकार, राजस्व विभाग, युद्ध जागीर अधिसूचना क्रमांक 448-ज(II)-78/17128, दिनांक 11 अप्रैल, 1979 जो हरियाणा राजपत्र दिनांक 11 अप्रैल, 1979 में मुद्रित हुई है, के क्र० 1 व 2 पर वर्णित जागीरदार श्री मामा राम, की बजाये श्री माया राम तथा श्री राखी राम, पुत्र श्री छज्जू राम की बजाये श्री राखे राम, पुत्र श्री छज्जू पढ़ा जाये।

रघुनाथ जोशी,
विशेष कार्य अधिकारी, हरियाणा सरकार,
राजस्व विभाग।

TECHANICAL EDUCATION DEPARTMENT

The 24th May, 1979

No. 40/15/78-PW1V(5).—The Governor of Haryana is pleased to appoint Vice Chancellor of Kurukshetra as Chairman of the Board of Governors, Regional Engineering College, Kurukshetra, in place of Minister-in-Charge, Technical Education with immediate effect.

H.V. GOSWAMI,
Commissioner & Secy.